

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/779,857	02/17/2004	Russell S. Brayton	11009-23

30565  
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP  
BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, IN 46204-5137

CONFIRMATION NO. 6241  
FORMALITIES LETTER



\*OC000000012593564\*

Date Mailed: 05/11/2004

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/15/2004 WABDELR1 00000034 10779857

#### FILED UNDER 37 CFR 1.53(b)

01 FC:1001 790.00 OP  
02 FC:1051 130.00 OP

*Filing Date Granted*

#### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be made on paper that has a white background (see 37 CFR 1.84 (e)). For example, drawings on graph paper, lined paper, or paper that has a non-white background are not acceptable. See Figure(s) 1.

#### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

Millionair

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## IN THE UNITED STATES PATENT OFFICE

In re patent application of: ) Before the Examiner  
 Russell S. Brayton et al. )  
 Application No: 10/779,857 ) Group Art Unit 3724  
 Filing Date: February 17, 2004 )  
 LIGHTWEIGHT DIMENSIONALLY )  
 STABLE STEEL RULE DIE ) November 9, 2004

**RESPONSE TO NOTICE TO FILE MISSING PARTS**  
**OF NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated May 12, 2004, the Commissioner is authorized to charge the fee of \$2450 to the credit card as indicated on the enclosed Credit Card Payment Form which includes \$790 for the large entity filing fee, \$130 for the late filing fee surcharge as required under 37 C.F.R. 1.27, and \$1530 for the Request for Extension of Time. Also enclosed are replacement drawing sheets in accordance with 37 CFR 1.84 and 37 CFR 1.121 and a copy of formalities letter OC000000012593564. No other fees are believed to be due; however, please charge any additional fees deemed required to Deposit Account No. 23-3030, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS MISSING PARTS, Commissioner for Patents, P.O. Box 14560, Alexandria, VA 22313-1450 on November 9, 2004.

JOHN V. DANILUCK

Signature

9 Nov 2004

Date of Signature

Respectfully submitted

By:

John V. Daniluck, Reg. No. 40,581

Woodard, Emhardt, Moriarty, McNett & Henry LLP  
 Bank One Center/Tower  
 111 Monument Circle, Suite 3700  
 Indianapolis, Indiana 46204-5137  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

**TRANSMITTAL  
FORM**

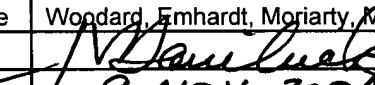
(to be used for all correspondence after initial filing)

		Application Number	10/779,857
		Filing Date	February 17, 2004
		First Named Inventor	Russell S. Brayton et al.
		Art Unit	3724
		Examiner Name	
Total Number of Pages in This Submission	11	Attorney Docket Number	11009-23

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Credit Card Payment Form  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Return Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Formalities Letter
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or individual name	John V. Daniluck Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	
Date	9 NOV 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Typed or printed name	John V. Daniluck
Signature	
Date	9 Nov 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT & TRADEMARK OFFICE  
NOV 12 2004FEE TRANSMITTAL  
FOR FY 2005

Effective 19/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$ 2450)

Complete if Known

Application Number	10/779,857
Filing Date	February 17, 2004
First Named Inventor	Russell S. Brayton et al.
Group Art Unit	3724

Examiner Name

Attorney Docket Number 11009-23

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money  Other  None Order Deposit Account:

Deposit Account Number 23-3030

Deposit Account Name Woodard, Emhardt, Moriarty, McNett &amp; Henry LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code	Entity Fee (\$)	Small Entity Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility Filing Fee	790
1002	350	2002	175	Design Filing Fee	
1003	550	2003	275	Plant Filing Fee	
1004	790	2004	395	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)				(\$ 790)	

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
20	-20** = 0	X	= 0
Independent Claims 3	-3** = 0	X	= 0

Multiple Dependent

(Four new claims to make a total of 23)

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	**Reissue independent claims over original patent
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051	130	2051 65 Surcharge – late filing fee or oath	130
1052	50	2052 25 Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner's Action	
1251	110	2251 55 Extension for reply within first month	
1252	430	2252 215 Extension for reply within second month	
1253	980	2253 490 Extension for reply within third month	
1254	1,530	2254 765 Extension for reply within fourth month	1530
1255	2,080	2255 1,040 Extension for reply within fifth month	
1401	340	2401 170 Notice of Appeal	
1402	340	2402 170 Filing a brief in support of an appeal	
1403	300	2403 150 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive – unavoidable	
1453	1,370	2453 685 Petition to revive – unintentional	
1501	1,370	2501 685 Utility issue fee (or reissue)	
1502	490	2502 245 Design issue fee	
1503	660	2503 330 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Petitions related to provisional applications	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	790	2809 395 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810 395 For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801 395 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other Fee (specify)			
* Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ 1660)

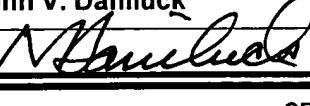
SUBMITTED BY:

Name (Print/Type): John V. Daniluck

Registration No.: (Attorney/Agent)

40,581

Telephone: (317) 634-3456

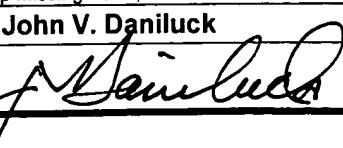
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## CERTIFICATE OF MAILING

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Name (Print/Type): John V. Daniluck

Signature: 

Date: 9 NOV 2004